

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2389**

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**Introduced by Assembly Member Bonnie Lowenthal**

February 24, 2012

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An act to ~~amend Section 51.7~~ add Title 18 (commencing with Section 3273) to Part 4 of Division 3 of the Civil Code, relating to ~~personal rights~~ contractor disclosure requirements.

LEGISLATIVE COUNSEL'S DIGEST

AB 2389, as amended, Bonnie Lowenthal. ~~Personal rights: freedom from violence.~~ Contractor disclosure requirements.

Existing law governs certain obligations arising from particular transactions, including credit card disclosures, consumer contracts, and consumer warranties.

This bill would prohibit a contractor, as defined, that provides services that require entering the residence or place of lodging of a member of the public from utilizing a uniform that bears the name or logo of the contracting entity, as defined, unless each uniform meets certain disclosure requirements. Among these requirements, the bill would require each of the contractor's uniforms to clearly, conspicuously, and legibly state that the contractor is providing services on behalf of the contracting entity, and the contractor's name. In addition to these requirements, the bill would further prohibit a contractor that provides the services described above relating to public health or safety services from utilizing a vehicle that bears the name or logo of the contracting entity unless each vehicle also meets the above requirements. The bill would also authorize the Director of Consumer Affairs to impose a fine

*of two hundred fifty (\$250) dollars per day for each violation of these provisions, in addition to any other rights or penalties available by law.*

*The bill would state the intent of the Legislature to increase consumer awareness of the state's growing and sizeable contract workforce through the disclosures required by these provisions. The bill would make a specified statement of legislative intent regarding the disclosures required by these provisions.*

~~Existing law sets forth various personal rights and provides that all persons within California have the right to be free from violence, or intimidation by the threat of violence, because of, among other characteristics, their race, color, religion, ancestry, national origin, political affiliation, or sex.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Title 18 (commencing with Section 3273) is added  
2     to Part 4 of Division 3 of the Civil Code, to read:

3  
4                   TITLE 18. CONTRACTOR DISCLOSURES

5  
6     3273. (a) *It is the intent of the Legislature to increase*  
7     *consumer awareness of the state's sizeable and growing*  
8     *subcontracted workforce through the disclosures required by this*  
9     *section. The Legislature further finds and declares that the*  
10    *disclosures required by this section are communications in the*  
11    *interest of the public, in the interest of public safety, and are a*  
12    *matter of statewide concern.*

13    (b) *For purposes of this section:*

14    (1) *"Contracting entity" means any person, business, or public*  
15    *entity that contracts with another person or business to provide*  
16    *services on its behalf.*

17    (2) *"Contractor" means any person or business that contracts*  
18    *to provide services on behalf of a contracting entity.*

19    (3) *"Public entity" means the state or any political subdivision*  
20    *thereof, including, but not limited to, a city, county, city and county,*  
21    *or special district.*

1     (c) A contractor that provides services that require entering the  
2     residence or place of lodging of a member of the public shall not  
3     utilize a uniform that bears the name or logo of the contracting  
4     entity, unless each of the contractor's uniforms meets the following  
5     requirements:

6     (1) The uniform states that the contractor is providing services  
7     on behalf of the contracting entity.

8     (2) The uniform states the name of the contractor.

9     (3) The uniform clearly displays the information described in  
10    paragraphs (1) and (2) in a conspicuous place, in sharp contrast  
11    to the background, and in such a way that the size, shape, and  
12    color is readily visible.

13    (d) In addition to the uniform disclosure requirements described  
14    in subdivision (b), a contractor that provides services described  
15    in subdivision (b) relating to public health and safety shall not  
16    utilize a vehicle that bears the name or logo of the contracting  
17    entity, unless each of the contractor's vehicles meets the following  
18    requirements:

19    (1) The vehicle states that the contractor is providing services  
20    on behalf of the contracting entity.

21    (2) The vehicle states the name of the contractor.

22    (3) The vehicle clearly displays the information described in  
23    paragraphs (1) and (2) in a conspicuous place, in sharp contrast  
24    to the background, and in such a way that the size, shape, and  
25    color is readily visible.

26    (e) If any person or business is found in violation of this section,  
27    the Director of Consumer Affairs may impose a fine of two hundred  
28    fifty (\$250) dollars per day per violation, in addition to any other  
29    rights or penalties available by law, until the vehicle or uniform  
30    is modified in conformance with the requirements of this section.

31    ~~SECTION 1. Section 51.7 of the Civil Code is amended to~~  
32    ~~read:~~

33    ~~51.7. (a) All persons within the jurisdiction of this state have~~  
34    ~~the right to be free from any violence, or intimidation by threat of~~  
35    ~~violence, committed against their persons or property because of~~  
36    ~~any political affiliation, or on account of any characteristic listed~~  
37    ~~or defined in subdivision (b) or (c) of Section 51, or any position~~  
38    ~~in a labor dispute, or because another person perceives them to~~  
39    ~~have one or more of those characteristics. The identification in~~

1 this subdivision of particular bases of discrimination is illustrative  
2 rather than restrictive.  
3 (b) This section does not apply to statements concerning  
4 positions in a labor dispute which are made during otherwise lawful  
5 labor picketing.